

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 586 - SB 640

March 1, 2023

SUMMARY OF BILL: Eliminates the occupational privilege tax for licensed attorneys in Tennessee for tax years ending on or after May 31, 2025.

ESTIMATED FISCAL IMPACT:

Decrease State Revenue – \$8,977,600/FY23-24 and Subsequent Years

Decrease State Expenditures – \$808,000/FY23-24 and Subsequent Years

Increase Local Revenue – \$94,400/FY23-24 and Subsequent Years

Assumptions:

- Pursuant to Tenn. Code Ann. § 67-4-1703(a), the occupational privilege tax is a \$400 tax on persons engaging in specified occupations in Tennessee, due and payable on June 1 of each year.
- Pursuant to Tenn. Code Ann. § 67-4-1701, privilege tax collections are required to be deposited to the General Fund.
- The first year for which the occupational privilege tax will be eliminated is the tax year ending on May 31, 2025, for which the tax is currently due on June 1, 2024. As a result, the first year that collections will be impacted by this legislation will be FY23-24.
- Based on information provided by the Department of Revenue (DOR), the total number of attorneys' subject to the professional privilege tax for tax year ending May 31, 2024 is estimated to be 23,022.
- The recurring decrease in state revenue is estimated to be \$9,208,800 (23,022 x \$400) in FY23-24 and subsequent years.
- Pursuant to Tenn. Code Ann. § 67-4-1709, any employer, including any governmental entity, is authorized to remit the occupational privilege tax on behalf of persons subject to the tax who are employed by such employer.
- There are currently approximately 2,022 state employees who are attorneys for which the State of Tennessee will pay the occupational privilege tax on June 1, 2023. This number is assumed to remain constant into perpetuity.
- The recurring decrease in state expenditures is estimated to be \$808,000 (\$400 x 2,022).
- Based on information provided by DOR, approximately 18.4 percent of taxpayers who are attorneys are estimated to be out-of-state. Therefore, approximately 81.6 percent of taxpayers live in-state.

HB 586 - SB 640

- It is assumed that 50 percent of tax savings realized by in-state residents, net of the amounts paid by the state on behalf of such residents, will be spent in the economy on sales taxable goods and services.
- The net recurring tax savings that will be spent in the economy on sales taxable goods and services are estimated to be \$3,427,526 $[(\$9,208,800 - \$808,000) \times 81.6\% \times 50\%]$ in FY23-24 and subsequent years.
- The current state sales tax rate is 7.0 percent; the average local option sales tax rate is estimated to be 2.5 percent; the effective rate of apportionment to local government pursuant to the state-shared allocation is estimated to be 3.617 percent.
- The net recurring increase in state sales tax revenue beginning in FY23-24 is estimated to be \$231,249 $[(\$3,427,526 \times 7.0\%) - (\$3,757,190 \times 7.0\% \times 3.617\%)]$.
- The total recurring increase in local sales tax revenue beginning in FY23-24 is estimated to be \$94,366 $[(\$3,427,526 \times 2.5\%) + (\$3,757,190 \times 7.0\% \times 3.617\%)]$.
- The net recurring decrease in state revenue as a result of this legislation beginning in FY23-24 is estimated to be \$8,977,551 $(\$9,208,800 - \$231,249)$.
- Occupational privilege tax returns are filed electronically and the Department does not have any staff dedicated to this tax. Therefore, there will be no staff reductions as a result of eliminating the occupational privilege tax.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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